

Filed for intro on 01/20/2000  
HOUSE BILL 2311 By  
Garrett

SENATE BILL 2478  
By Haynes

AN ACT to amend Tennessee Code Annotated, Section 4-3-1304;  
Section 62-21-104; Title 63, Chapter 1; Title 68, Chapter  
201, Part 1; Section 68-211-111 and Section 69-3-104,  
relative to vacancies on certain boards and commissions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-1304, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) All vacancies on the state regulatory boards attached to the division of regulatory boards shall be filled by the governor within ninety (90) days of the occurrence of the vacancy. Each regulatory board incurring a vacancy shall notify the governor in writing as soon as practicable after the vacancy occurs. Each board with a vacancy shall provide a list of qualified persons to be appointed to the board and information regarding such persons that is sufficient for the governor to make an informed decision. The ninety (90) days for filling a vacancy shall not begin until the governor has written notice of the vacancy and has sufficient information to make an informed decision. A board with a vacancy that is more than ninety (90) days in duration

shall conduct no business other than consideration of disciplinary actions until such time as the vacancy is filled.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. All vacancies on each board, commission, committee, agency or other governmental entity created pursuant to this title shall be filled by the governor within ninety (90) days of the occurrence of the vacancy. Each board, commission, committee, agency or other governmental entity created pursuant to this title incurring a vacancy shall notify the governor in writing as soon as practicable after the vacancy occurs. Each board, commission, committee, agency or other governmental entity created pursuant to this title with a vacancy shall provide a list of qualified persons to be appointed to the board and information regarding such persons that is sufficient for the governor to make an informed decision. The ninety (90) days for filling a vacancy shall not begin until the governor has written notice of the vacancy and has sufficient information to make an informed decision. A board, commission, committee, agency or other governmental entity created pursuant to this title with a vacancy that is more than ninety (90) days in duration shall conduct no business other than consideration of disciplinary actions until such time as the vacancy is filled.

SECTION 3. Tennessee Code Annotated, Section 62-21-104(b)(1), is amended by adding the following language to the end thereto:

The board shall notify the governor in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy. Each board with a vacancy shall provide a list of qualified persons to be appointed to the board and information regarding such persons that is sufficient for the governor to make an informed decision. The ninety (90) days for filling a vacancy shall not begin until the

governor has written notice of the vacancy and has sufficient information to make an informed decision. When the board has a vacancy that is more than ninety (90) days in duration it shall conduct no business other than consideration of disciplinary actions until such time as the vacancy is filled.

SECTION 4. Tennessee Code Annotated, Section 68-201-105, is amended by adding a subsection thereto:

( ) The board shall notify the governor in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy. The board shall provide the governor with a list of qualified persons to be appointed to the board and information regarding such persons that is sufficient for the governor to make an informed decision. The ninety (90) days for filling a vacancy shall not begin until the governor has written notice of the vacancy and has sufficient information to make an informed decision. When the board has a vacancy that is more than (90) days in duration it shall conduct no business other than consideration of disciplinary actions until such time as the vacancy is filled.

SECTION 5. Tennessee Code Annotated, Section 68-211-111(c), is amended by designating the existing language as subdivision (c)(1) and by adding a new subdivision thereto:

(c)(2) The board shall notify the appointing authority in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy, except for vacancies of ex officio members. The ninety (90) days for filling a vacancy shall not begin until the appointing authority has written notice of the vacancy and has sufficient information to make an informed decision. When the board has a

vacancy that is more than ninety (90) days in duration it shall conduct no business other than consideration of disciplinary actions until such time as the vacancy is filled.

SECTION 6. Tennessee Code Annotated, Section 69-3-104, is amended by adding a new subsection thereto, as follows:

( ) The board shall notify the governor in writing as soon as practicable after a vacancy occurs. An interim member to fill the unexpired portion of a previous member's term shall be appointed within ninety (90) days of the occurrence of a vacancy, except for vacancies of ex officio members. The board shall provide a list of qualified persons to be appointed to the board and information regarding such persons that is sufficient for the governor to make an informed decision. The ninety (90) days for filling a vacancy shall not begin until the governor has written notice of the vacancy and has sufficient information to make an informed decision. When the board has a vacancy that is more than ninety (90) days in duration it shall conduct no business other than consideration of disciplinary actions until such time as the vacancy is filled.

SECTION 7. This act shall take effect July 1, 2000, the public welfare requiring it.